

## UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Peter Frank Hernandez Martinez

Date of Original Judgment: 09/05/2017

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Case No: 0419 5:17CR00017-002USM No: 33427-058

Pro Se

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 09/05/2017, shall remain in effect.

**IT IS SO ORDERED.**

Signed: December 15, 2023

Effective Date: \_\_\_\_\_

(if different from order date)



Frank D. Whitney  
United States District Judge



**This page contains information that should not be filed in court unless under seal.**  
**(Not for Public Disclosure)**

DEFENDANT: Peter Frank Hernandez Martinez  
CASE NUMBER: 0419 5:17CR00017  
DISTRICT: Western District of North Carolina

**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**

Previous Total Offense Level: 33 Amended Total Offense Level: \_\_\_\_\_  
Criminal History Category: I Criminal History Category: \_\_\_\_\_  
Previous Guideline Range: 135 to 168 months Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

**III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (*See Chavez-Meza v. United States, 138 S.Ct. 1959 (2018)*)**

The defendant does not meet the criteria pursuant to §4C1.1 due to two separate exclusions: (1) the defendant possessed a firearm in connection with the offense, and (2) the defendant received an adjustment under 3B1.1 (Aggravating Role); therefore, Amendment 821 is not applicable in this case.